

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 04-CR-56

-vs-

QASIM A. BOKHARI,

Movant.

DECISION AND ORDER

After pleading guilty to a variety of offenses, including mail fraud and money laundering, the Court sentenced Qasim Bokhari (“Bokhari”) to a 63-month term of imprisonment. Now before the Court is a letter from Bokhari styled as a “Motion for Sentence Adjustment.” Bokhari requests a 6 month reduction in his sentence because the Bureau of Prisons is refusing to allow him to serve the last ten (10) percent of his sentence in a halfway house or other community custody program. According to Bokhari, this refusal is on account of him being a deportable alien.

The manner in which Bokhari captioned his motion suggests that he wants to proceed under the general habeas statute, 28 U.S.C. § 2241. However, a challenge to the rules used to calculate the amount of time a federal inmate is allowed to spend in a Community Corrections Center (“CCC”) cannot be brought under § 2241. *See Richmond v. Scibana*, 387 F.3d 602, 605-06 (7th Cir. 2004). Such a claim must be brought under the Administrative Procedures Act (“APA”), 5 U.S.C. § 551 et seq.

The Court cannot convert this motion into a claim under the APA because of the many different requirements imposed upon prisoner civil litigation. *See, e.g., Copus v. Edgerton*, 96 F.3d 1038 (7th Cir. 1996). For example, it is apparent from the face of Bokhari's motion that he did not exhaust his administrative remedies, *see* 28 U.S.C. § 1997e(a). Therefore, Bokhari's motion will be denied and Bokhari will not be afforded the opportunity pursue a claim under the APA at this time. *See Richmond*, 387 F.3d at 605 ("If he were to stick with § 2241, the petition would have to be dismissed because § 2241 is the wrong section; if he were to elect the APA, the petition would have to be dismissed under § 1997e(a) for failure to exhaust administrative remedies").

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT Bokhari's motion for sentence adjustment [D. 141] is **DENIED**.

Dated at Milwaukee, Wisconsin, this 31st day of March, 2008.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge